

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE GALLEY, LLC)	3:20-CV-0148-LRH-CLB
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 30, 2020
)	
PARUL SAXENA, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendants Saxena and Singh's motion for extension of time to file responsive pleading (ECF No. 6). Plaintiff's opposed the motion (ECF No. 7), and defendants replied (ECF No. 9).

In their motion, defendants' request a forty-five day extension of time to file a responsive pleading due to the unprecedented shelter-in-place orders issued throughout California due to the COVID-19 pandemic (ECF No. 6). Plaintiffs opposed the motion stating that the "request is deliberately aimed at inflicting financial damage upon plaintiffs such that they will be forced into bankruptcy (or receivership) before this case reaches discovery." (ECF No. 7). Plaintiffs state that defendants should make efforts to seek alternatives other than meeting in person during this time and attach an exhibit showing a bank balance of \$821 as of February 11, 2020.¹ (*Id.*) Defendants replied that this case will be document intensive making a telephonic or video conference meeting with counsel difficult (ECF No. 9). Moreover, two other defendants have yet to be served. (*Id.*)

Counsel for the plaintiff is admonished for causing unnecessary expense to both his client and plaintiffs in this case by opposing a perfectly reasonable request for an extension of time. Defendants' request for a forty-five day extension of time appears not only realistic but perhaps optimistic during a worldwide pandemic. The simple fact that plaintiff filed a complaint less than thirty days ago does not equate to receiving immediate financial relief in federal court which counsel has an ethical obligation to explain to his client. Plaintiff's claims are based upon a restaurant that cannot operate, a crisis which

¹ This lawsuit was not filed until March 5, 2020 (ECF No. 1).

nearly all restaurants are facing at this time. (ECF No. 1). Even if defendants were to file an answer today, it would be more than eight months before discovery was complete and dispositive motions were filed. Thereafter, many more months would pass before the court would likely reach a decision. If a trial is necessary in this matter, several years could pass before that day comes to fruition. Litigation is a time-consuming process and plaintiffs' objections to this extension lack merit.

Therefore, defendants' motion for an extension of time (ECF No. 6) is **GRANTED**. Defendants shall have to and including **May 15, 2020** to file a responsive pleading.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: /s/
Deputy Clerk